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|---|
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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) ☐ Responsive to communication(s) filed on _____ .

2a) ☐ This action is **FINAL**.      2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) ☒ Claim(s) *1-27* is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-27* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9) ☒ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

     If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some *   c)☐ None of:

       1.☐ Certified copies of the priority documents have been received.

       2.☐ Certified copies of the priority documents have been received in Application No. _____ .

       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

     a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)        4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)        5) ☐ Notice of Informal Patent Application (PTO-152)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .        6) ☐ Other: .

### Specification

1.      Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, *"The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes,"* etc. The abstract would be acceptable if the first part is deleted and it starts out " A mobile station for providing a message creation...". In a US abstract, it is preferred that reference is not made to a figure.

### Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2.      Claims 1-4, 7-14, 17, 19-22, and 25-27 are rejected under 35 USC 103(a) as being

unpatentable over Appelman et al. (U.S. Patent No. 6,539,421) and further in view of Matsumoto

et al. (U.S. Patent Pub no. 2002/0023128).

Referring to claim 1, Appelman et al teaches a communication system providing real-

time communication service to a plurality of subscribers, wherein the plurality of subscribers

generates a plurality of real-time communication messages during a real-time communication

session (Column 3, Lines 18 – 39), a method for providing a message creation reference associated with a real-time communication message comprising: generating a message creation reference associated with a real-time communication message (Column 9, Lines 49 – 50), the real-time communication message being generated by one of the plurality of subscribers (Figure 28); and transmitting the message creation reference and the real-time communication message (Figure 28). Although figures 16 to 31 show a time related message sequence and the time stamp provides the time when the message was sent, Appelman et al does not specifically teach that the real-time communication message is arranged relative to the plurality of real-time communication messages during the real-time communication session based on the message creation reference. Matsumoto et al teaches the real-time communication message is arranged relative to the plurality of real-time communication messages during the real-time communication session based on the message creation reference [0032, 0090]. Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the art of Appelman et al with the art of Matsumoto et al wherein the real-time communication message is arranged relative to the plurality of real-time communication messages during the real-time communication session based on the message creation reference to provide a discussion through a chat system wherein the chat messages are time sequentially displayed [0008].

Referring to claim 9, Appelman et al teaches a communication system providing real--time communication service to a plurality of subscribers, wherein the plurality of subscribers generates a plurality of real-time communication messages (Column 3, Lines 18 – 39), and

3

wherein an apparatus is adapted to provide a message creation reference associated with a

real-time communication message (Column 9, Lines 49 – 50), the apparatus comprising: a

memory (Figure 2); a controller coupled to the memory (Figure 2), the controller being operable

to generate a message creation reference associated with a real-time communication message

generated by one of the plurality of subscribers (Figure 28), and the controller being operable to

transmit the message creation reference and the real-time communication message (Figure 28).

Although figures 16 to 31 show a time related message sequence and the time stamp provides the

time when the message was sent, Appelman et al does not specifically teach that the real-time

communication message is arranged relative to the plurality of real-time communication

messages during the real-time communication session based on the message creation reference.

Matsumoto et al teaches the real-time communication message is arranged relative to the

plurality of real-time communication messages during the real-time communication session

based on the message creation reference [0032, 0090]. Therefore, at the time the invention was

made, it would have been obvious to a person of ordinary skill in the art to combine the art of

Appelman et al with the art of Matsumoto et al wherein the real-time communication message is

arranged relative to the plurality of real-time communication messages during the real-time

communication session based on the message creation reference to provide a discussion through

a chat system wherein the chat messages are time sequentially displayed [0008].

Referring to claim 19, Appelman et al teaches a communication system for providing

real-time communication service to a plurality of subscribers, wherein the plurality of

subscribers generates a plurality of real-time communication messages (Column 3, Lines 18 –

39), and wherein a controller operates in accordance with a computer program (Column 3, Lines 18 – 31) embodied on a computer-readable medium for providing a message creation reference associated with a real-time communication message (Column 9, Lines 49 – 50), the computer program comprising: a first routine that directs the controller to generate a message creation reference associated with a real-time communication message (Column 9, Lines 49 – 50), the real-time communication message being generated by one of the plurality of subscribers; and a second routine that directs the controller to transmit the message creation reference and the real-time communication message (Figure 28). Although figures 16 to 31 show a time related message sequence and the time stamp provides the time when the message was sent, Appelman et al does not specifically teach that the real-time communication message is arranged relative to the plurality of real-time communication messages during the real-time communication session based on the message creation reference. Matsumoto et al teaches the real-time communication message is arranged relative to the plurality of real-time communication messages during the real-time communication session based on the message creation reference [0032, 0090]. Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the art of Appelman et al with the art of Matsumoto et al wherein the real-time communication message is arranged relative to the plurality of real-time communication messages during the real-time communication session based on the message creation reference to provide a discussion through a chat system wherein the chat messages are time sequentially displayed [0008].

Referring to claims 2, 13 and 20, Appelman et al further teaches wherein the step of generating a message creation reference associated with a real-time communication message comprises generating a message creation reference associated with one of an instant messaging message and a group chat message (Column 3, Lines 18-31).

Referring to claims 3, 10 and 21, Appelman et al further teaches wherein the step of generating a message creation reference associated with a real-time communication message comprises generating a message creation reference associated with a real-time communication message in response to a subscriber input via one of an alphanumeric keypad, a numeric keypad, a touch-sensitive display and a microphone (Column 4, Lines 32-43).

Referring to claims 4, 14 and 22, Appelman et al further teaches wherein the step of generating a message creation reference associated with a real-time communication message comprises generating a time stamp associated with a real-time communication message (Column 9, Lines 30-38).

Referring to claims 7, 11, and 25, Appelman et al teaches the limitations of claims 7, 11 and 25 including wherein the step of transmitting the message creation reference and the real-time communication message comprises transmitting the message creation reference and the real-time communication message in response to a subscriber input via one of an alphanumeric keypad, a numeric keypad, a touch-sensitive display and a microphone (Column 4, Lines 32-43). Although figures 16 to 31 show a time related message sequence and the time stamp provides the

time when the message was sent, Appelman et al does not specifically teach wherein the real-time communication message is arranged relative to the plurality of real-time communication messages during a real-time communication session based on the message creation reference. Matsumoto et al teaches the real-time communication message is arranged relative to the plurality of real-time communication messages during the real-time communication session based on the message creation reference [0032, 0090]. Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the art of Appelman et al with the art of Matsumoto et al wherein the real-time communication message is arranged relative to the plurality of real-time communication messages during the real-time communication session based on the message creation reference to provide a discussion through a chat system wherein the chat messages are time sequentially displayed [0008].

Referring to claims 8, 12 and 26, Appelman et al teaches the limitations of claims 8, 12 and 26 including wherein the step of transmitting the message creation reference and the real-time communication message comprises transmitting the message creation reference and the real-time communication message during one of an instant messaging session and a group chat session (Figure 28 and Column 3, Lines 18-31). Although figures 16 to 31 show a time related message sequence and the time stamp provides the time when the message was sent, Appelman et al does not specifically teach wherein the real-time communication message is arranged relative to the plurality of real-time communication messages. Matsumoto et al teaches the real-time communication message is arranged relative to the plurality of real-time

communication [0032, 0090]. Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the art of Appelman et al with the art of Matsumoto et al wherein the real-time communication message is arranged relative to the plurality of real-time communication messages to provide a discussion through a chat system wherein the chat messages are time sequentially displayed [0008].

Referring to claim 17, Appelman et al further teaches wherein the apparatus comprises one of a cellular telephone, a pager, an electronic planner, and a communication network (Column 13, Lines 20-22).

Referring to claim 27, Appelman et al further teaches wherein the medium comprises one of paper, a programmable gate array, application specific integrated circuit, erasable programmable read only memory, read only memory, random access memory, magnetic media, and optical media (Column 13, Lines 49-56) .

3.      Claims 5, 6, 15, 16, 23, and 24 are rejected under 35 USC 103(a) as being unpatentable over Appelman et al and Matsumoto et al and further in view of Golan (U.S. Patent Pub no. 2002/0194278).

Referring to claims 5, 6, 15, 16, 23 and 24, Appelman et al further teaches wherein the step of generating a message creation reference associated with a real-time communication message comprises generating one of a message identifier (Column 9, Lines 49-50, time stamp) a

subscriber identifier (Figure 3; 134 and 135 and Figure 20; 690, 698), but neither Appleman et al or Matsumoto et al teach a hash value associated with a real-time communication message based on an incoming message parameter, and wherein the incoming message parameter is associated with an incoming message from one of the plurality of subscribers. When replying to e-mail, it is well know to include the message being replied to so that the receiver can easily determine what the sender is referring to. Golan teaches sending a message that includes a message parameter associated with a received message in order to associate the message with the message received. (Figure 2, attachment). Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the teachings of Appleman et al and Matsumoto et al with the teachings of Golan of sending a message which includes a message parameter associated with a received message in order to associate the message with the message received so that the receiver can easily determine what the sender is referring to.

4.    Claim 18 is rejected under 35 USC 103(a) as being unpatentable over Appelman et al and Matsumoto et al and further in view of Isaacs et al. (U.S. Patent Pub no. 2002/0026483).

Referring to claim 18, Appelman et al and Matsumoto et al teach the limitations of claim 18, but do not teach wherein the apparatus comprises one of an Internet Protocol (IP) network and a General Packet Radio Services (GPRS) network. Isaacs et al teaches wherein the apparatus comprises one of an Internet Protocol (IP) network and a General Packet Radio Services (GPRS) network [0027]. Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the teachings of Appleman et al

and Matsumoto et al with the teachings of Isaacs et al wherein the apparatus comprises one of an Internet Protocol (IP) network and a General Packet Radio Services (GPRS) network to allow devices to communicate wirelessly [0027]

## *Conclusion*

5.    The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Gorsuch et al. U.S. Patent Pub. No. 2002/0133611 discloses system and method for facilitating real-time, multi-point communications over an electronic network.

Houplain U.S. Patent Pub. No. 2003/0003953 discloses multi-user chat service in a cellular network.

Karri et al. U.S. Patent Pub. No. 2002/0177454 discloses system for personal messaging.

Metso et al. U.S. Patent No. 5,920,826 discloses radio telephone text transmission system.

Moore et al. U.S. Patent Pub. No. 2002/0163934 discloses apparatus and method for network analysis.

Sharma U.S. Patent Pub No. 2002/0087631 discloses email-based advertising system.

6.    Any inquiry concerning this communication or earlier communications from the examiner should be directed to James D Ewart whose telephone number is (703) 305-4826. The examiner can normally be reached on M-F 7am - 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,

William Trost can be reached on (703)308-5318. The fax phone numbers for the organization

where this application or proceeding is assigned are (703)305-9508 for regular communications

and (703)305-9508 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is (703)305-3900.

Ewart
April 23, 2003

WILLIAM TROST
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